

Congress of the United States

House of Representatives

Washington, DC 20515

March 7, 2006

The Honorable Joshua Bolten
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Bolten:

We are requesting that the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) designate the Western Hemisphere Travel Initiative (WHTI) a significant regulatory action. A WHTI Advanced Notice of Proposed Rulemaking (ANPRM) was published jointly by the Departments of Homeland Security and State on September 1, 2005. As such, OIRA should require that the Department of Homeland Security (DHS) complete a cost-benefit analysis of WHTI before the agency publishes a formal Notice of Proposed Rulemaking (NPRM) in the Federal Register.

According to Executive Order 12866, the federal government is required to "create a regulatory system...that improves the performance of the economy without imposing unacceptable or unreasonable costs on societies." To meet these goals, Executive Order 12866 mandates that a federal agency designate a proposed rule as a significant regulatory action if that rule may:

"Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities."

Section 6 of Executive Order 12866 clearly spells out that federal rules designated a significant regulatory action must undergo a thorough cost-benefit analysis prior to being printed in the Federal Register as a NPRM.

The State Department has already indicated that the WHTI will exceed the \$100 million threshold for being designated economically significant. Frank Moss, Deputy Assistant Secretary for Consular Affairs, U.S. Department of State, has testified to Congress that WHTI will cause 5 million more travelers to purchase a passport by 2009. The cost of purchasing an adult passport is \$97 dollars, meaning that cross-border travelers will spend \$485 million due to WHTI – far above the \$100 million limit.

As home to the two busiest border crossings in the country, the state of Michigan relies heavily on Canadian tourism, travel, and trade. Each year 1 million Canadians travel to Michigan, with an impact on the state's economy to the tune of more than \$166 million. Approximately 200,000 vehicles cross between the U.S. and Canada every day carrying tourists, manufacturing goods and farm products. The Ambassador Bridge alone supports 25 percent of U.S.-Canadian trade and in 2004 U.S. automotive trade with Canada was \$116 billion.

A comprehensive cost-benefit analysis is crucial considering our state's reliance on travel, tourism and trade with Canada. In light of the significant manufacturing job losses Michigan has suffered, we are concerned about any further blows to the economy. Given the current economic climate, this cost-benefit analysis would provide a thorough explanation as to how WHTI will impact the economy. In addition, such an analysis would provide an explanation of the cost of creating and obtaining new travel documents and equipping all ports of entry with new card readers. Overall, this analysis would provide further guidance to ensure that the implementation of the WHTI would have the most benefit and least detriment to our state's economy.

We appreciate your attention to this matter and look forward to a prompt response.

Sincerely,



BART STUPAK
Member of Congress



THADDEUS MCCOTTER
Member of Congress




CARL LEVIN
Member of Congress



DEBBIE STABENOW
Member of Congress



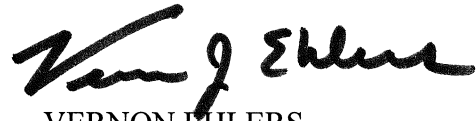
DAVE CAMP
Member of Congress



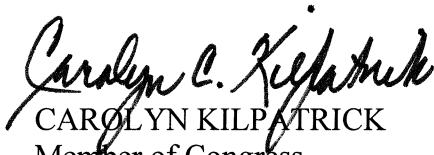
JOHN DINGELL
Member of Congress



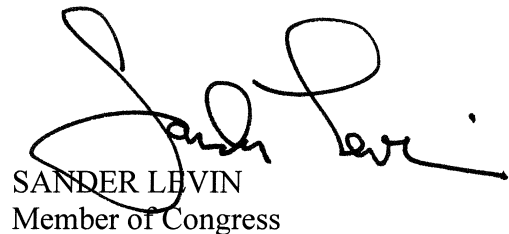
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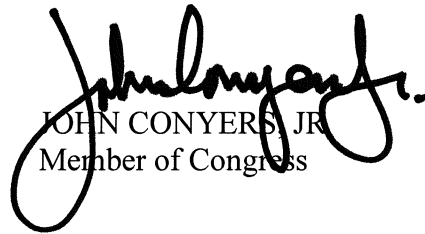
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